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## Family Mediation Program

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### MANDATORY MEDIATION

#### *Administrative Order 92-1*

Any party who seeks to schedule a final hearing (modification) or trial (original actions) on any contested issue, other than enforcement (contempt) or domestic and repeat violence, shall first participate in mediation through the family mediation services provided by the court or private mediator if a private mediator is agreed to or ordered by the court. The mediator shall certify that mediation is completed prior to either party scheduling a final hearing or trial.

#### What is mediation?

- Mediation is a process through which parties involved in a family court matter meet with a neutral third party, the mediator, in an attempt to resolve their differences prior to going before the judge.
- The mediator acts as a facilitator to help the parties focus on the issues and assists them in reaching a fair and mutually-acceptable agreement.
- The mediator does not make a decision for the parties but helps them in reaching their own decision.

#### What kinds of cases must be mediated?

- Dissolution (divorce) actions  
All issues, including child support, parental responsibility, distribution of real and personal property, alimony, etc.
- Changes in child support
- Changes in parental responsibility (custody and visitation)
- Changes in visitation
- Original paternity actions once paternity has been established

**What kinds of cases are not mediated?**

- Uncontested cases (cases in which all issues have been settled by the parties)
- Enforcement (contempt) cases - Unless ordered by the court
- Domestic violence cases - Unless ordered by the court

**When can mediation be waived?**

- When the judge grants a waiver (upon either party's submittal of a written motion showing good cause)

**Who qualifies for the court-based program?**

The family mediation program is open to parties whose combined gross annual income does not exceed \$50,000 per year.

**What is the cost of mediating through the family mediation program?**

We provide services on a sliding scale, based on your income. You can determine your fee by finding your individual gross annual income on the chart below.

Gross Annual Income	Fee Per Session
Below \$20,000	\$20.00
\$20,001 - \$25,000	\$40.00
\$25,001 - \$30,000	\$60.00
\$30,001 - \$35,000	\$80.00
\$35,001 - \$50,000	\$100.00

Fees are due and must be paid at the time of mediation. If you are mediating telephonically, payment must be received prior to the mediation session. Mediation fees will not be waived without providing a copy of the affidavit of indigency to the office

**What if my case doesn't qualify for the court-based program?**

If the parties' combined gross income exceeds \$50,000 per year, you will need to hire a private mediator. The family mediation program will be glad to provide you with a list of certified family mediators practicing in the second judicial circuit.

**How long does mediation take?**

- The typical mediation takes only one session or two to two and a half hours. If the parties reach an agreement, the mediator prepares the written agreement immediately after the session, usually in less than an hour (frequently in less than ½ hour).
- All participants are required to stay for the entire session, including preparation of the agreement.
- Unless the mediation office advises you otherwise, make sure you set aside a minimum of three and one half hours for the mediation.

**What is the role of the mediator?**

- The mediator acts as a facilitator to encourage discussions between the parties.
- The mediator assists the parties in sorting out the issues and separating the needs of the parties from the needs of the children.
- The mediator may offer suggestions for consideration.
- The mediator assists the parties in examining alternatives for settlement.
- Except for written agreements that are signed by all parties, the mediator keeps confidential the contents of the mediation session and of any private meetings between the parties.
- The mediator prepares the mediation agreement for submittal to the court.

**What are the limits of mediation?**

- The mediator does not determine who is right and who is wrong.
- The mediator does not decide the case.
- The mediator does not make decisions for you.
- The mediator does not give you legal advice.
- The mediator may not offer an opinion as to what the judge in your case will decide.
- The mediator does not provide counseling for the participants. Parties desiring counseling are urged to seek assistance from community agencies, churches, or private providers.

**Who serves as mediator?**

- Mediations scheduled through the family mediation program are conducted by experienced mediators certified by the Supreme Court of Florida. Most mediations are conducted by our mediation coordinator. Other mediators may be substituted depending on the coordinator's availability.

**Can I bring my lawyer?**

- Parties represented by lawyers are encouraged

to bring the lawyer to mediation.

- If you are represented by a lawyer, any agreement you reach will be provided to your lawyer for review.

**Who will be present for the mediation?**

- the mediator
- the parties
- their lawyers, if any
- the guardian ad litem, if any
- At times, a mediator trainee will participate in the session.
- No other persons, including current spouses and other family members, may be present without the permission of the mediator and the agreement of all participants.

**What do I need to bring with me?**

- The fee for your session. You may pay in cash or by check or money order.
- The information sheet this office mailed to you.
- Proof of all income (pay stubs, tax returns, letter from employer, etc.)
- Any documents you wish to discuss at the mediation session. What you need to bring varies with the type of case you have, but you will generally want to bring any document related to your case.

**NOTE: DO NOT BRING CHILDREN TO THE MEDIATION. THEY WILL NOT BE ALLOWED TO ACCOMPANY YOU TO THE MEDIATION ROOM, AND THIS OFFICE DOES NOT HAVE CHILD CARE FACILITIES.**

Questions? Please call us at (850) 577-4433  
Please send comments to: [BeckerM@mail.co.leon.fl.us](mailto:BeckerM@mail.co.leon.fl.us)



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